

goods and avoid the payment of duties, the vessel and goods are declared forfeit, and the captain and other persons concerned in such violation of the law, subjected to a penalty; but in no instance is the owner, agent, freighter or factor, who has no knowledge of such violation, subjected to a penalty. True it is, the innocent owner may be subjected to the loss of his vessel and goods; but that goes upon an entirely different principle; which is, that the owner is responsible for the good conduct of his captain or agent, so far as the property goes that he entrusts in his hands. But it was reserved for this bill to introduce into our code the criminal principle that an innocent man is to be arraigned, found guilty and punished, merely for being an owner, agent, freighter or factor. This is a principle that would disgrace the most tyrannical code of the most tyrannical government that ever existed.

Section 6, subjects the *reputed* owner to the same forfeitures and penalties as are inflicted on the *real* owner in the preceding section. So that an innocent person is not only liable to the charge of a crime, but to a conviction and punishment, because his name happens to appear on a certificate of registry, enrollment or licence, or the last clearance or custom house document, though he may have no interest or property whatever in the ship or vessel that shall violate the law, and no knowledge of such violation, or of any intention to violate the law. This same section establishes unwarrantable restrictions on the sale and transfer of property. For it is provided that no sale shall be recognised or rendered effectual, until a bond shall be given equal to 300 dollars for each ton of such ship or vessel so proposed to be sold, conditioned that such ship or vessel shall not, during the continuance of the embargo, contravene or infringe any of the provisions of the said acts. A vessel of one hundred tons burthen cannot be sold without entering a bond of 30,000 dollars—an enormous bond, which very few, if any, such owners would be able to obtain, though under the most pressing necessity of selling to obtain the means of subsistence, or bread for his family. Who would entangle his fortune with such a bond? Let me ask the gentleman from V. whether even to oblige a suffering neighbour, he would pledge his farm and mills by entering into such a bond? I have too good an opinion of his prudence and foresight, to believe he would thus encumber the place of his dignified retirement with such a bond; and if his patriotism would not induce him to give such a bond, who is there that would do it? As well might Congress pass a law declaring it unlawful to sell at all, as to pass this law; for it is an indirect mode of doing the same thing. And has the constitution given to Congress any such power? If we are doomed to suffer under the embargo system, it is better far to stop the coasting trade altogether, and chain our coasters, as are our other vessels, to rot at our wharfs, than to disgrace our country by such an act. An act which only tantalizes our citizens with the shew of a coasting trade, when by requiring excessive bonds, imposing burthensome restrictions, and submitting the whole to the arbitrary discretion and caprice of a host of collectors, it will in fact be annihilated.